

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Fairview Radiology, P.C.	)	Case No. 3:04CV7262
	)	
Plaintiff,	)	Hon. David D. Dowd, Jr.
	)	
v.	)	<b>MOTION FOR TELEPHONIC PRE-TRIAL</b>
	)	<b>CONFERENCE</b>
	)	
	)	Richard M. Kerger (0015864)
Defiance Hospital, Inc., et al.,	)	Stephen D. Hartman (0074794)
	)	KERGER & ASSOCIATES
Defendants.	)	33 S. Michigan St., Suite 100
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	)	
	)	<i>Counsel for Defendant</i>
	)	<i>Dr. Edrick Ferguson</i>
	)	

This morning, counsel for Defiance Hospital informed the undersigned that Defiance and Plaintiff had settled the differences between them and therefore Defiance will be dismissed from the case. Given this development, counsel believes that a telephonic pre-trial conference would be beneficial to both counsel and the Court to discuss the ramifications of Defiance's settlement on scheduling and jury interrogatories.

Respectfully submitted,

By           /s/ Stephen D. Hartman            
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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been electronically filed this 4<sup>th</sup> day of October, 2005. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's System.

/s/ Stephen D. Hartman